IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2950 OF 2004

Vishal Tower CHS Ltd. .. .. Petitioners
Versus
Fatima Mazar Khan & Ors. .. .. Respondents

Mr.M.D. Angal for the Petitioners
Ms. Nayana Thatte for the Respondent No.1.
Mr. A.H. Palekar, Asstt. Govt. Pleader for State.

CORAM : S.A. BOBDE, J.
DATED : 13.9.2005

P.C. -

1. Rule returnable forthwith.

2. Learned Counsel appearing for Respondents waives the service of Rule.

3. Heard by consent.

4. It appears that the Divisional Joint Registrar, Co-operative Societies has dismissed the Petitioner's Revision Application, on the ground that it is not filed by the Petitioner - Society and there is no Resolution to that effect, empowering the Society to file such a Revision Application.

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5. Mr.Angal learned Counsel appearing on behalf of the Petitioners states that there is a General Resolution of the Society, by which the Society has empowered the office bearers to defend the Suit. In these circusmtnces, it is difficult on this ground to sustain the impugned order.

6. It appears that the Revision Application was filed in the name of Chairman and Secretary of Vishal Co-operative Housing Society, vide Exhibit - H. It can not be said, therefore, that the Society has not filed the Revision Application.

7. The impugned order is set aside.

8. The matter is remanded back for reconsideration by the Divisional Joint Registrar on merits, in accordance with law.

9. Rule made absolute.

10. Divisional Joint Registrar may decide the Revision Application as expeditiously as possible but not later than eight weeks from the date, parties appear before him.

11. Parties are directed to appear on 26th September, 2005 before the Divisional Joint Registrar.

[S.A. BOBDE, J.]